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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,395	11/15/2001	Faisal M. Awada	AUS920010916US1	7307

7590 08/12/2004  
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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/12/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/998,395

Applicant(s)

AWADA ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-26** are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta (US 6,760,581).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding **claims 1, 21 and 24**, Dutta discloses a method in a mobile communications device for activating a selected profile(column 1, lines 8-12), the method comprising:

detecting an external control signal transmitted transmitter location (column 5, lines 25-39) [The mobile detects the Bluetooth command to automatically hold incoming call];

activating the selected profile, wherein the selected profile implements a policy of mobile communications device usage for the location and replaces a current profile for the mobile communications device (column 5, lines 51-67) [The determination is made whether the user wants to be notify of the hold call according to the user set up profile to automatic to put on hold all incoming calls in a theater or concert hall];

maintaining the selected profile only while the external control signal continues to be detected (column 6, lines 1-13) [The mobile telephone is receiving the Bluetooth command when within the range of the server].

Regarding **claims 2 and 6**, Dutta discloses restoring the current profile when reception of the external control signal is discontinued (column 6, lines 1-13).

Regarding **claim 3**, Dutta discloses identifying settings the mobile communications devices using the external control signal to form identified settings (column 5, lines 40-50); and

activating the identified settings (column 5, lines 40-50).

Regarding **claim 4**, Dutta discloses the external control signal includes data identifying the identified settings (column 5, lines 40-50).

Regarding **claims 5, 22 and 25**, Dutta discloses all the limitations of **claims 5 and 22** as stated in **claim 1** rejection and furthermore identifying settings in the external control signal to form identified settings (column 5, lines 40-50) [The determination is made whether the mobile communication is set up to receive the automatic hold of the incoming calls];

Regarding **claim 7**, Dutta discloses displaying an icon indicating that the profile has been activated, wherein the icon is displayed while the profile is active (column 3, lines 27-39).

Regarding **claim 8**, Dutta discloses the location is a public establishment, a home, an office, or a government building (column 5, lines 25-39).

Regarding **claim 9**, Dutta discloses the external control signal is broadcasted from a transmitter (column 25, lines 24-48).

Regarding **claim 10**, Dutta discloses the transmitter is programmed by a control unit to broadcast the external control signal (column 5, lines 51-59).

Regarding **claim 11**, Dutta discloses the external control signal contains an encoded command that identifies settings for the mobile communications device (column 5, lines 40-50).

Regarding **claim 12**, Dutta discloses the mobile communications device contains circuitry that decodes the external control signal (column 5, lines 25-39).

Regarding **claim 13**, Dutta discloses the identified settings for the mobile communications device are attributes of a ringer, conversation mode, conversation duration, and informational messages (column 5, lines 51-59).

Regarding **claim 14**, Dutta discloses the mobile communications device is one of a mobile phone, a personal digital assistant, a two way pager, or a laptop computer (column 5, lines 1-24).

Regarding **claim 15**, Dutta discloses the external control signal is one of a radio frequency signal, an infrared signal, or an ultrasonic signal (column 5, lines 1-24).

Regarding **claim 16**, Dutta discloses an emergency phone is always allowed by the profile (column 5, lines 25-39).

Regarding **claims 17, 23 and 26**, Dutta discloses a method in a data processing system for causing a mobile communications device to activate a profile for a location with a policy for mobile communication device usage (column 1, lines 8-12), the method comprising:

selecting a control signal for broadcast by a transmitter, wherein the control signal selects settings in mobile communications devices receiving the control signal to implement a policy on usage within a location (column 5, lines 1-24) [The user enables the mobile telephone to automatically hold all the incoming calls in response to the Bluetooth hold signal]; and

sending information to the transmitter, wherein the transmitter broadcasts a control signal containing an encoded command (column 5, lines 25-39) [The Bluetooth transmitter sends the automatic hold command when a request is received from the mobile telephone].

Regarding **claims 18, 19 and 20**, Dutta discloses all the limitations of **claims 18 and 19** as stated in **claims 1 and 17** rejection and furthermore discloses a bus system (705 on FIG. 7);

a communications unit connected to the bus system (770 on FIG. 7); a memory connected to bus system (720 on FIG. 7); and

a processing unit connected to the bus system (700 on FIG. 7).

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parvulescu et al. is cited for disabling a communication device during the occurrence of one or more predetermined conditions (FIG. 1).

Gossman et al. is cited for providing data to a wireless device upon detection of activity of the device on a wireless network (FIG. 1).

Cannon et al. is cited for wireless answer and hold feature (FIG. 1).

Bach et al. is cited for a cellular phone with a special standby feature (FIG. 1).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

g.g.  
August 8, 2004

**FAN TSANG**  
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